THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.20744 of 2006

Date: 19th October, 2006

Between :-

Dr. V.V.S.Uday Bhasker and 6 others .. Petitioners

And

The Serlingampally Municipality, Serlingampally, Hyderabad and 3 others .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.20744 of 2006

ORDER:-

This Court ordered *notice before admission* on 29-9-2006 and *status quo* was directed to be maintained for a period of three weeks.

2. The Writ Petition is filed for a Writ of Mandamus or any other appropriate Writ, order or direction, by declaring the action of the respondents in not allowing the petitioners to use the road connecting the main road to their plots in Sy.Nos.181, 184, 185, 186P, 187, 188, 189 & 189P of Vattinagulapally village, Rajendranagar Mandal, R.R.District, which is existing in between A.P.Social Welfare Girls Residential School and Primary School of Gowlidoddi, as illegal and arbitrary and further direct the respondents not to interfere with the usage of the said road by the petitioners and to pass such other suitable orders.

3. It is stated that by the petitioners that the petitioners purchased various house plots in Sy.Nos.181, 184, 185, 186P, 187, 188, 189 & 189P of existing in Vattinagulapally village. It is also further stated that that the petitioners had developed the land

into various plots and in between the petitioners' land and the main road, there is a Primary School and A.P.Social Welfare Girls Residential School. It is also stated that the name of the school is Gowlidoddi Primary School, which had also constructed buildings and also a compound wall and similarly the other side building is a A.P.Social Welfare Girls Residential School. It is further stated that in between the two compound walls, there is an approach road to the petitioners plots, which has been existing since more than 30 years. It is also stated that the length of the said road is around 230 meters, which is existing in the government land. It is also further stated that in fact the petitioners are using this way as an approach road and as a reason after constructing the school building, the Primary School had also constructed a compound wall within their site and A.P.Social Welfare Girls Residential School building which was constructed had also constructed a compound wall and in between these two compound walls, a way has been provided for approach to the sites of the petitioners. It is also further stated that the records pertaining to 1st and 2nd respondents also disclose that it is a public road and

has been provided as an approach road to the plots of the petitioners and if the said road is close, there would not be any access to the plots of the petitioners. It is stated that the purpose of purchasing the land and making house plots itself would be defeated if the said road is closed and there is no alternative road or way to reach the petitioners land except the said road. It is also further stated that the said road was being used by the farmers who sold the lands earlier to carry on their agricultural activities. It is also stated that the existence of the road is not disputed but now the respondents and some of their officials have blocked the road and is not permitting the petitioners to use the road and have access to their plots. It is further stated that the photographs filed would clearly go to show that the said road exists between two compound wall and one compound wall pertains to the Primary School and the other compound wall pertains to A.P.Social Welfare Girls Residential School building. Since there is a road existing already, the said compound walls were constructed excluding the road. It is also further stated that that when the road was closed, the petitioners made several representations to the respondents on

21-8-2006, 17-8-2006 and 16-8-2006 requesting them to open the road but the respondents had not taken any action and the said representations are pending before the respondents. It is also stated that that for the purpose of developing the property, which the petitioners had purchased, the petitioners also submitted a Layout plan to HUDA and the same is pending before HUDA for its approval. It is also further stated that in the said Layout, the petitioners had shown this road as an acess road since it has been existing since many years and this is the only road which connects the property of the petitioners to the main road which is called as Gowlidoddi main road. There are about 400 plots in Sy.No.186 (part), 187, 188 & 189 (part) of Vattinagulapally village. These plots were purchased by the petitioners from the year 1988 onwards and since then they have been using the said road. In the said circumstances, the petitioners approached this Court praying for the aforesaid refliefs.

4. In view of the facts and circumstances explained, inasmuch as it is stated that a representation was made to the 4th respondent on 21-8-2006, the 4th respondent to consider the said representation and dispose of the

same in accordance with law, within a period of four weeks from the date of receipt of this order and in view of the facts and circumstances, till the representation is considered and disposed of, the petitioners be permitted to use the road in question.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

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Justice P.S.Narayana

19th October, 2006

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